

## **Exhibit A**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

JOSE OCHOA, JR.,  
Plaintiff,

v.

Cause No. 3:24-cv-00228-KC

BRADFUTE ENTERPRISES, LLC,  
DAVID BRADFUTE, and  
KIRBY OPCO, LLC  
d/b/a THE KIRBY COMPANY  
d/b/a READIVAC  
d/b/a KIRBY,  
Defendants.

**DECLARATION OF ENRIQUE CHAVEZ, JR.**

I, Enrique Chavez, Jr., in accordance with the 28 U.S.C. §1746, declare as follows:


1. My name is Enrique Chavez, Jr. I am over 21 years of age, competent to make this declaration, and not disqualified from doing so. I have personal knowledge of the facts stated in this declaration, and they are true and correct.
2. I represent Plaintiff Jose Ochoa, Jr. in the above -styled and -numbered cause.
3. Defendants Bradfute Enterprises, LLC, David Bradfute, and Kirby Opco, LLC have not filed any answer in the above -styled and -numbered cause.
4. No discovery between the parties has taken place due to Defendants' pending motions to dismiss. Moreover, an insufficient time for discovery has occurred, prior to the due date for Plaintiff's responses to Defendants' pending motions, because Defendants recently filed the motions to dismiss.
5. In order to fully respond to the motions to dismiss, one of which is partly predicated upon Defendant's submission of evidence in support of its motion to dismiss, Plaintiff Jose Ochoa, Jr. must take the depositions of Defendant Bradfute Enterprises, LLC's corporate representative, Defendant David Bradfute, and Defendant Kirby Opco, LLC's corporate

representative, and conduct additional discovery -- including through interrogatories and requests for production -- concerning:

- a. Kirby's contractual relationship with Bradfute Enterprises;
  - b. What influence Kirby and its employees have over the employment decisions of Bradfute Enterprises;
  - c. What role David Bradfute has in the management and operation of the other Defendants; and
  - d. The factual statements in the documents Defendants proffer as evidence attached to the motions to dismiss.
6. Plaintiff Jose Ochoa, Jr. is prepared to diligently conduct discovery in this cause but has been unable to conduct any discovery due to Defendants' pending motions to dismiss, and the insufficient time to conduct discovery prior to the due date for Plaintiff's responses to Defendants' pending motions.

Further declarant sayeth naught.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 14, 2024.



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ENRIQUE CHAVEZ, JR.